IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

LA.App..No. 731 of 2005()

LAR.28/2001 of II ADDL.SUB COURT,THRISSUR
.....

APPELLANT/RESPONDENT:

STATE OF KERALA, REP. BY
DISTRICT COLLECTOR, THRISSUR.

BY SRI. RAJAN JOSEPH, ADDL.A.G.
BY GOVERNMENT PLEADER ADV. SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT:

N.A.ABDULLA, S/O. ABU,
NADATHARA HOUSE, P.O.WADAKKANCHERRY.

BY ADV. SRI.S.V.BALAKRISHNA IYER
ADV. SRI.K.JAYAKUMAR
ADV. SRI.P.B.KRISHNAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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C.M. APPLN. NO. 980 OF 2005
IN L.A.A. No. 731 OF 2005

.....

Dated this the 6th February, 2007

O R D E R

Kurian Joseph, J:

This is a petition to condone the delay of 773 days in filing the appeal against the judgment and decree dated 09.08.2002 in L.A.R.No. 28 of 2001 on the file of the Sub Court, Thrissur. It is seen from the counter affidavit filed by the claimant that the appellant had deposited the entire decree amount before the execution court as per the allotment dated 14.03.2003. On such deposit, the amount had been withdrawn by the respondent /claimant and Execution Petition itself was closed in January, 2004. The appeal is filed only on 21.02.2005. On the merits also, we find that the extent involved in this appeal is only 9 cents (0.0360 hectares). The property lies on the side of Thrissur- Shornur main road and the fixation is based on Ext. A4 proceedings regarding under valuation. The enhancement granted by the reference court based on evidence available

in the case is only just and reasonable.

For the reasons stated above, we dismiss this petition for condonation of delay in filing the appeal.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

lk

KURIAN JOSEPH & K.T. SANKARAN, JJ.

.....

L.A.A. No. 731 OF 2005

.....

Dated this the 6th February, 2007

J U D G M E N T

Kurian Joseph, J:

In view of dismissal of the petition to condone the delay in filing the appeal, this appeal is also dismissed.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

lk

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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JUDGE.

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KURIAN JOSEPH &
K.T. SANKARAN, JJ.

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